

**REMARKS/ARGUMENTS**

On April 26, 2004, the undersigned spoke briefly Examiner Le regarding the status of the present.

The undersigned and the Examiner discussed the amended claims that were listed in the Response to the Final Office Action. The Examiner suggested that the claims be further amended to identify some of the elements of the account information which is provided in connection with opening an on-line account. As suggested by the Examiner the above-amended independent claims have been amended to identify specific account information.

In the present amendments to the claims, a number of the previously pending claims have been canceled. Each of the currently pending claims now expressly recite that the account information includes at least the following: **the client's name, the client's social security number, the client's home address, the client's level of investment knowledge, and the client's approximate annual income.** It is respectfully submitted that this type of account information, in combination with the other distinctions between above claims and the references, which are discussed in detail in previously filed Responses to Office Actions in this case, significantly distinguish the present claims over the cited references. (The previous discussion is incorporated herein, and is still very relevant and accurate, but in order to avoid duplication will not be entirely repeated herein).

It is respectfully submitted that a careful review of the references cited in connection with the previous rejections of the claims, clearly shows that previously pending claims were not obvious in view of the references. However, in order to highlight differences between the references and the pending claims, the amendments herein are provided. The amendments herein are done to expedite prosecution of the present application, and without prejudice to the filing of a continuation case.

**The Present Claims:**

The present claims relate to a system or method where user provided account information is utilized in preparing pre-filled out application forms, and this account information is used in opening on-line brokerage account having restrictions. The restrictions are removed from the on-line brokerage account when the pre-filled out application, which has been pre-filled out with user supplied account information, is returned within a predetermined period of time. This

utilization of account information, and the establishing of an on-line brokerage account with restrictions, and then removing the restrictions, is very different than the operation of the cited references. Further, the specific recitations in each of the independent claims regarding the account information, including **the client's level of investment knowledge, and the client's approximate annual income** further highlight differences between the references and the pending claims.

It is respectfully submitted that none of the cited references appears to even remotely suggest the systems and methods which are set forth in the pending claims. Indeed, it would appear that even if one were to take all of the references and combine their teaching, this combination would not appear to be close to the systems and methods recited by the pending claims.

#### The Millard, US Patent Publication 2002/007335 A1

Millard appears to be the primary reference which is used in connection with rejecting all of the pending claims. The system of Millard does not disclose an on-line brokerage account where a customer can buy and sell securities through a broker-dealer using an on-line brokerage account. In fact, Millard goes to some effort to explain that one of the problems with the prior art is that a person generally is forced to use a broker dealer to trade securities; for example, Millard states:

"Buyers and sellers cannot conduct direct, principal-to-principal transactions through a regulated exchange. Private parties are permitted by law to trade directly with each other, but generally do not have the means available to do so without an intermediary, broker-dealer, market maker or exchange.

[0016] Therefore, there is a need for a direct, principal-to-principal securities trading system for secondary transactions in securities, including unlisted, unregistered and restricted securities."

Millard, ¶¶ 15-16. Millard goes on to expressly state that the system does not provide the functions of a broker-dealer, stating for example:

The system of a preferred embodiment of the subject invention ("the System") operates in a way that distinguishes it from a conventional securities exchange. The System allows but does not require the posting of firm offers or require use of established, non-discretionary methods of offer interaction or transaction settlement. *The System uniquely enables principal-to-principal exchange of financial information and securities and does not perform the functions of a broker-dealer or an investment advisor.*

Millard ¶64 (emphasis added).

Millard provides for different types of membership such as “Associate” “Qualified” or “Institutional”. Millard, ¶143. While different types of memberships will have access to different features of this system, the Millard system does not provide for restricted accounts, where the restriction are removed when a user completes an application in a predetermined time. Indeed, it appears that the operation of the Millard system is that a user can sign up and then they will have access to the system.

Millard does not appear to provide for account information which includes among other things **a client’s approximate annual income, and a client’s level of investment experience, and then for using this account information to generate a pre-filled out application using the account information provided by the client.** Further Millard does not provide for an on-line brokerage account with restrictions and then removing the restrictions if requested information such as the pre-filled out application form is received from the client within a predetermined amount of time. Indeed, it would appear that Millard is directed very a different purpose of establishing something other than an on-line brokerage account.

#### **References Discussing Trial Use of Software:**

The Final Office Action cites three references as showing systems or methods where there are “products /services provided on a trial-basis depending on information initially provided by a potential user”. 1/20/04 Office Action, p. 4.

The first of these references is Waite et al. (US Patent no. 5,103,476). In connection with Waite et al. the Office Action specifically refers to a sentence at col. 3, lines 4-8, of Waite et al. which discusses assigning a license to a licensee on a temporary basis trial basis at no cost to the licensee. As further discussed in Waite et al., the focus of Waite et al. appears to be on providing a way for a user to test software prior to having to actually purchase a license. See e.g. Waite et al. col. 1: 6-31.

The above operation of Waite et al. appears to be very different in both its operation and purpose than that recited in the pending claims. First, the operation described in Waite et al. appears to be directed to giving a potential licensee an opportunity to test software. As a result of the test, the user may or may not decide to pay for a license. It is respectfully submitted that this type of operation would in no way appear to suggest that it would be advantageous to open an on-line brokerage account, with restrictions, and then removing the restrictions, after an

application process is completed. The application process for opening a brokerage can take a number of days. As described above, a user with access to restricted brokerage account, can begin researching investments and the like, even while the application process is in process, but not yet completed. This time period of allowing access to a restricted account, is not intended to provide an opportunity to test the software, and indeed, the customer is typically not purchasing a software license in connection with opening an on-line brokerage account. Typically, the broker dealer charges a commission on trades, and for other financial services, but they do not charge a license fee. As previously discussed the other two references (US Patent nos. 6,021,492, and 6,216,112 B1) cited in the 1/20/04 Office Action regarding the use of trial software are similarly very different than the operation in the pending claims.

**Magary, US Patent Publication 2001/0056387 A1**

Magary discloses a system for providing financial information to clients. The financial information can be information such as transaction data. Magary, Abstract. According to regulatory requirements the client must consent to receiving such financial data electronically. Magary ¶ 18. Magary provides for obtaining and storing these consents. Magary, Abstract. Magary does not, however, provide for, or relate to opening an on-line brokerage account with restrictions, and then removing the restrictions after receipt of an application with required information from a client.

**Comments on the Combination of References:**

Collectively the combination of references appears to provide little, if any, suggestion that there would be some motivation to combine their teaching. However, even if one were to assume that one of skill in the art would combine the teaching of these references, it is respectfully submitted that the combination of these references would not lead to a system or method which provides for generation of a pre-filled out application based on account information including a client's approximate annual income, and a client's level of investment experience, and for expediting the delivery of access to an on-line brokerage account, and services provided with an on-line brokerage account.

CONCLUSION

For the reasons set forth above, it is believed that all claims now present in this application are patentably distinguishable over the references. Therefore, reconsideration is requested, and it is requested that this application be passed to allowance.

Respectfully submitted,

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